

USSN 10/052,798

Response and Amendment Under §1.116 and

Contingent Suggestion for Declaration of Interference under 37 C.F.R. § 41.202

### AMENDMENT TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### **Listing of claims**

Claims 1-58 (canceled)

59. (Previously Presented) A method of inducing apoptosis in mammalian cancer cells comprising exposing mammalian cancer cells to an effective amount of an Apo-2 agonist monoclonal antibody which (a) binds to Apo-2 polypeptide consisting of the contiguous amino acid residues 1 to 411 of SEQ ID NO:1 and (b) induces apoptosis in at least one type of mammalian cancer cell *in vivo* or *ex vivo*.
60. (Previously Presented) The method of claim 59 wherein said antibody comprises a single-chain antibody.

Claims 61-64 (canceled)

65. (Currently Amended) A method of inducing apoptosis in mammalian cancer cells comprising exposing mammalian cancer cells to an effective amount of an Apo-2 agonist monoclonal antibody which (a) binds to a soluble extracellular domain sequence of an Apo-2 polypeptide consisting of amino acids 54 to 182 of SEQ ID NO:1 and (b) induces apoptosis in at least one type of mammalian cancer cell *in vivo* or *ex vivo*.
66. (Previously Presented) A method of inducing apoptosis in mammalian cancer cells comprising exposing mammalian cancer cells to an effective amount of an Apo-2 agonist monoclonal antibody which (a) binds to a soluble extracellular domain sequence of an Apo-2 polypeptide consisting of amino acids 1 to 182 of SEQ ID NO:1 and (b) induces apoptosis in at least one type of mammalian cancer cell *in vivo* or *ex vivo*.

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Claims 67 and 68 (canceled)

69. (Previously Presented) The method of claim 59, 65, or 66, wherein said antibody is a chimeric antibody.
70. (Previously Presented) The method of claim 59, 65, or 66, wherein said antibody is a humanized antibody.
71. (Previously Presented) The method of claim 59, 65, or 66, wherein said antibody is a human antibody.
72. (Previously Presented) The method of claim 59, 65, or 66, wherein said antibody comprises an Fab fragment.
73. (Previously Presented) The method of claim 59, 65, or 66, wherein said antibody comprises a scFv fragment.
74. (Previously Presented) The method of claim 59, 65, or 66, wherein said antibody comprises a F(ab')<sub>2</sub> fragment.

Claims 75-78 (canceled)

79. (Previously Presented) The method of claim 59, 65, or 66, wherein said antibody is fused to an epitope tag sequence.

Claims 80-124 (canceled)

125. (Previously Presented) A method of treating cancer comprising exposing mammalian cancer cells to an effective amount of an Apo-2 agonist monoclonal antibody which (a) binds to Apo-2 polypeptide consisting of the contiguous amino acid residues 1 to 411 of SEQ ID NO:1 and (b) induces apoptosis in said mammalian cancer cell *in vivo* or *ex vivo*.

Claim 126 (canceled)

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127. (Previously Presented) The method of claim 125 wherein said agonist antibody is a chimeric antibody.

128. (Previously Presented) The method of claim 125 wherein said agonist antibody is a humanized antibody.

129. (Previously Presented) The method of claim 125 wherein said agonist antibody is a human antibody.

Claims 130-132 (canceled)

133. (Previously Presented) A method of treating cancer comprising exposing mammalian cancer cells to an effective amount of an Apo-2 agonist monoclonal antibody which (a) binds to a soluble extracellular domain sequence of an Apo-2 polypeptide which consists of amino acid residues 54 to 182 of SEQ ID NO:1 and (b) induces apoptosis in said mammalian cancer cell *in vivo* or *ex vivo*.

Claim 134 (canceled)

135. (Previously Presented) The method of claim 133 wherein said agonist antibody is a chimeric antibody.

136. (Previously Presented) The method of claim 133 wherein said agonist antibody is a humanized antibody.

137. (Previously Presented) The method of claim 133 wherein said agonist antibody is a human antibody.

Claims 138-146 (canceled)

147. (Previously Presented) A method of treating cancer comprising exposing mammalian cancer cells to an effective amount of an Apo-2 agonist monoclonal antibody which (a) binds to a soluble extracellular domain sequence of an Apo-2 polypeptide consisting of

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amino acid residues 1 to 182 of SEQ ID NO:1 and (b) induces apoptosis in said

mammalian cancer cell *in vivo* or *ex vivo*.

148. (Previously Presented) The method of claim 147 wherein said agonist antibody is a chimeric antibody.
149. (Previously Presented) The method of claim 147 wherein said agonist antibody is a humanized antibody.
150. (Previously Presented) The method of claim 147 wherein said agonist antibody is a human antibody.
151. (Previously Presented) The method of claim 125, 133, or 147, wherein said antibody comprises an Fab fragment.
152. (Previously Presented) The method of claim 125, 133, or 147, wherein said antibody comprises a scFv fragment.
153. (Previously Presented) The method of claim 125, 133, or 147, wherein said antibody comprises a F(ab')<sub>2</sub> fragment.
154. (Previously Presented) The method of claim 125, 133, or 147, wherein said antibody is fused to an epitope tag sequence.
155. (Previously Presented) The method of claim 125, 133, or 147, wherein said mammalian cancer cells are exposed to chemotherapy or radiation therapy.